UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/187
23 March 2001

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 5 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement*/ submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 March 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

GE. *0012142*

ENG

WESTERN SAHARA

In 1975, Spain withdrew from one of its last colonies - Western Sahara – and set in motion a series of events, which eventually led to the present conflicting situation in the area. That same year witnessed the signing of the Madrid Agreements that attributed Western Sahara to Morocco and Mauritania - though this last country later renounced its claims to the area – as well as Morocco's invasion of the territory and the subsequent war between the Kingdom of Morocco and the Polisario Front claiming the legitimate right of the Saharawis to self-determination according to international law.

The war continued until the cease-fire of 1991 when in conformance with the settlement plan previously approved, the United Nations created a peace-keeping mission: the United Nations Mission for the Referendum in Western Sahara (MINURSO), with a view to holding a self-determination referendum – the same that Spain was supposed to have held in 1975.

Initially scheduled for 1992, the referendum met with many obstacles, was postponed and finally suspended in 1997. The Houston Agreements reached in September 1997, under the auspices A. James Baker, the Personal Envoy of the United Nations Secretary General, reactivated the process and allowed for some progress to be made between the parties on issues such as the constitution of the electoral body, the confinement of the troops, the repatriation of the refugees, the release of political prisoners of war and the code of conduct for the referendum which was then scheduled for 7 December 1998.

Unfortunately, further disagreement on almost all these substantially fundamental issues caused a renewed series of postponements, the most important controversial point being the criteria for the identification of eligible voters, though other conflicting elements should not be forgotten such as the composition of the identification commission and the dubious security conditions for the return of the Saharawi refugees or the demining process. Meanwhile, obstructions to freedom of movement and free access to the occupied territory by the Morocco government were signalled by international organisations and even required, in May 1998, the intervention of F. Dunbar, Special Representative of the Secretary General. At the same time, in spite of the presence of MINURSO, reports were received of violent repression of civil Saharawi population, assassinations and arbitrary detention.

Despite this alarming situation, far from conducive to a climate of mutual trust, confidence and serenity necessary for the holding of a free referendum and despite a number of criticisms addressed to the United Nations Mission, MINURSO fully complied with its task, completing the identification of about 198.000 candidates to the vote and a provisional list of 86.349 voters was published at the beginning of 2000. Regrettably, Morocco authorities immediately and strongly opposed the above mentioned list maintaining that there had been errors and distortions in the overall procedure and thus thousands of appeals were submitted by the rejected applicants. As a consequence the identification commission finds itself now faced with about 135.000 appeals which constitute a cause for a further delay on the road to the holding of the referendum in view of the long work required by the data-processing and analysis of the appeals so as to come up with a means to overcome all possible obstacles to the appeal process.

Nevertheless, it must be mentioned that the year 2000 has seen a reactivation of meetings and diplomatic efforts to come to a final and just solution. Let us mention the expert-level technical meetings of the parties, held on 20 and 21 July 2000 in Geneva with the participation of representatives from both the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). The talks were specifically meant to address outstanding issues relating to the appeals process, prisoners of war, political detainees and the implementation of confidence building measures for the return of Saharan refugees.

Once again it is deeply regrettable that no progress could be reported, not even to launch a simple pilot programme on confidence-building measures because of concerns expressed by Morocco.

A further meeting took place in Berlin, on 28 September 2000, to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution

though no great result was achieved in view of the greatly diverging interpretation by the parties of the main provisions of the settlement plan.

At the same time an alarming tendency seems to have surfaced, discrediting to some extent the MINURSO peace effort and looking for an alternative solution which has been termed a "third way" solution. It had been alluded to by the United Nations Secretary General in his report to the Security Council on 29 February 2000, thus putting aside the United Nations resolution which have firmly recommended the right to self-determination for the Saharawi people since 1966. On top of that, since the King of Morocco's trip to France and to the United States, a sort of campaign has been launched against what has been termed an "impossible" referendum and, specifically, the "third way" alternative has been presented as an unexpected solution to the press.

The United Nations Secretary General, has again alluded to this possibility in his last report, on 25 October 2000, when relating the words of his Personal Envoy, James A. Baker, in his opening statement in Berlin, where he stated that there could be many ways to achieve self-determination. It could be achieved through war or revolution; it could be achieved through elections, but this required good will; or it could be achieved through agreement, as had been done by parties to other disputes. Nevertheless the "third way" concept is unacceptable to Polisario.

The *International League for the Rights and Liberation of Peoples* (LIDLIP) wishes to underscore, that the path to a peaceful solution could be very long indeed and that the international community should be fully aware that any further impediment and postponement could constitute a very concrete danger. In point of fact, the Saharawi people's patience is growing thin and the situation is likely to become explosive. This people has been observing a 10 years' truce fully trusting in theUnited Nations' determination to solve the problem and feels now frustrated and disappointed. Should the United Nations fail to fulfil this role, the impatience of the Saharawi new generations might lead to a resumption of all possible means of struggle at their disposal to achieve what is their right, including war and this would have disastrous consequences for all the countries of the area.

It is the view of our organisation that the imprescriptible right of the Saharawi people to freely choose their future destiny cannot be questioned and that the time has come to implement all the measures foreseen in the settlement plan. The referendum must take place fully respecting the terms and conditions established and provided for in the United Nations resolutions and recommendations; therefore we appeal to the concerned parties, to the United Nations Human Rights Commission, to the international community not to spare any effort to this regard.

The International League for the Rights and Liberation of Peoples (LIDLIP) hopes that a joint and international effort and support will succeed in proving wrong the United Nations Secretary General's sad concluding words of his last report when relating the assessment of the Berlin meeting "...it is the view of my Personal Envoy, which I share, that further meetings of the parties to seek a political solution cannot succeed, and indeed could be counterproductive, unless the Government of Morocco as administrative power in Western Sahara is prepared to offer or support some devolution of government authority, for all inhabitants and former inhabitants of the Territory, that is genuine, substantial and in keeping with international norms...."; " ...it is also the view of my Personal Envoy, which I share, that if the Government of Morocco is not prepared to offer or support some devolution of government authority that could be discussed at a meeting of the parties during the next extension of the mandate of MINURSO, the Mission should begin hearing the pending appeals from the identification process on an expedited basis, without regard as to how long it might be expected to take to complete them".